

FISCAL NOTE

SB 1144 - HB 1355

March 10, 2003

SUMMARY OF BILL:

- Outlines specific special uses of land that would require the approval of a county legislative body in counties where no county-wide zoning regulations are in place. Such uses include arsenals, atomic reactors, explosives manufacturing and storage, hazardous and radioactive wastes, waste incinerators, mining and quarrying, slaughterhouses and rendering plants, and asphalt plants.
- Provides for a person wishing to utilize land for a special use to make application to the county legislative body and pay an application fee set by the body. Outlines information to be included in the application and criteria that may be used by the county to evaluate the application. Specifies that the county has 90 days after the application is complete to approve or disapprove the special use.
- Requires a public hearing be held with 30 days notice in a newspaper of general circulation prior to the final decision on the application.
- Provides for lawful non-conforming uses existing at the time of passage of the bill to continue with certain restrictions.
- Provides for appeal of a county's decision to a court of competent jurisdiction.
- Specifies that a violation of the provisions of the act are a Class C misdemeanor and that each day of violation constitutes a separate offense.

ESTIMATED FISCAL IMPACT:

Increase Local Govt. Revenues - Not Significant

Increase Local Govt. Expenditures - Not Significant

Estimate assumes:

- the filing of applications for special uses would be infrequent.
- an increase in revenues from application fees.
- an increase in revenues from fines levied and collected under the provisions of the bill. Impact depends on the number of violations.
- an increase in expenditures for the administrative costs associated with reviewing and deciding on special use applications.
- an increase in expenditures for legal expenses associated with an appeal of a denied application.
- an increase in expenditures for the costs associated with publishing proper notice of a public hearing.
- an increase in expenditures for the costs to confine violators of the provisions of the bill. Impact depends on the number of violations.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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